

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICHARD B. HANCOCK,

Petitioner,

Civil No. 06-1681-ST

v.

O R D E R

SHARON BLACKLETTER,

Respondent.

HAGGERTY, Chief Judge:

Magistrate Judge Stewart issued a Findings and Recommendation [31] recommending that the Petition for Writ of Habeas Corpus [2] should be denied, and that Judgment should be entered dismissing this action with prejudice. Objections [32] to portions of the Findings and Recommendation were filed by petitioner. The matter was then referred to this court for review.

When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner filed objections in a timely manner. The court has given the file of this case a *de novo* review, and has also carefully evaluated the Magistrate's Findings and Recommendations, defendant's objections, and the Record of the case.

This court's *de novo* review has examined each of the eight, single-sentence objections presented. The Magistrate Judge correctly determined that petitioner failed to meet the stringent requirements necessary for the admission of Exhibit 2, and that objective, persuasive evidence was lacking to support the theory that petitioner's guilty pleas were the result of mental impairments. The findings that petitioner's chances for success at trial were low, the victim's recantation lacked credibility and was subject to impeachment, and that counsel's advice regarding petitioner's guilty plea fell within the wide range of professional assistance that could be construed as reasonable are adopted. Relatedly, the objection to the finding that "the state court decisions denying on this claim did not involve an unreasonable application of clearly established federal law" [*sic*] is overruled. Findings and Recommendation at 13. Finally, the challenges to the footnote at pages 12-13, and the Findings and Recommendation's conclusion that the petition should be denied, though unspecified, have been examined and are overruled. The footnote and the conclusion are free from error.

CONCLUSION

For the reasons provided above, petitioner's objections [32] are OVERRULED. The Findings and Recommendation [31] is ADOPTED as follows: the Petition for Writ of Habeas Corpus [2] is denied, and Judgment shall be entered dismissing this action with prejudice.

IT IS SO ORDERED.

Dated this 11 day of January, 2008.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge